



REZONING & SPECIAL LAND USE PERMIT **APPLICATION ANALYSIS**

ZONING CASE #: Z2013-20

LEGISTAR #: 20130733

PROPERTY OWNERS: William A. Spinks
P. O. Box 170
Marietta, GA 30061

APPLICANT: Keith Cristal
1794 Roswell Road
Marietta, GA 30062

PROPERTY ADDRESS: 140 Dodd Street

PARCEL DESCRIPTION: Land Lot 12370, District 16, Parcel 0450

AREA: 1.40 acs. **COUNCIL WARD:** 7

EXISTING ZONING: CRC (Community Retail Commercial)

REQUEST: LI (Light Industrial)

FUTURE LAND USE

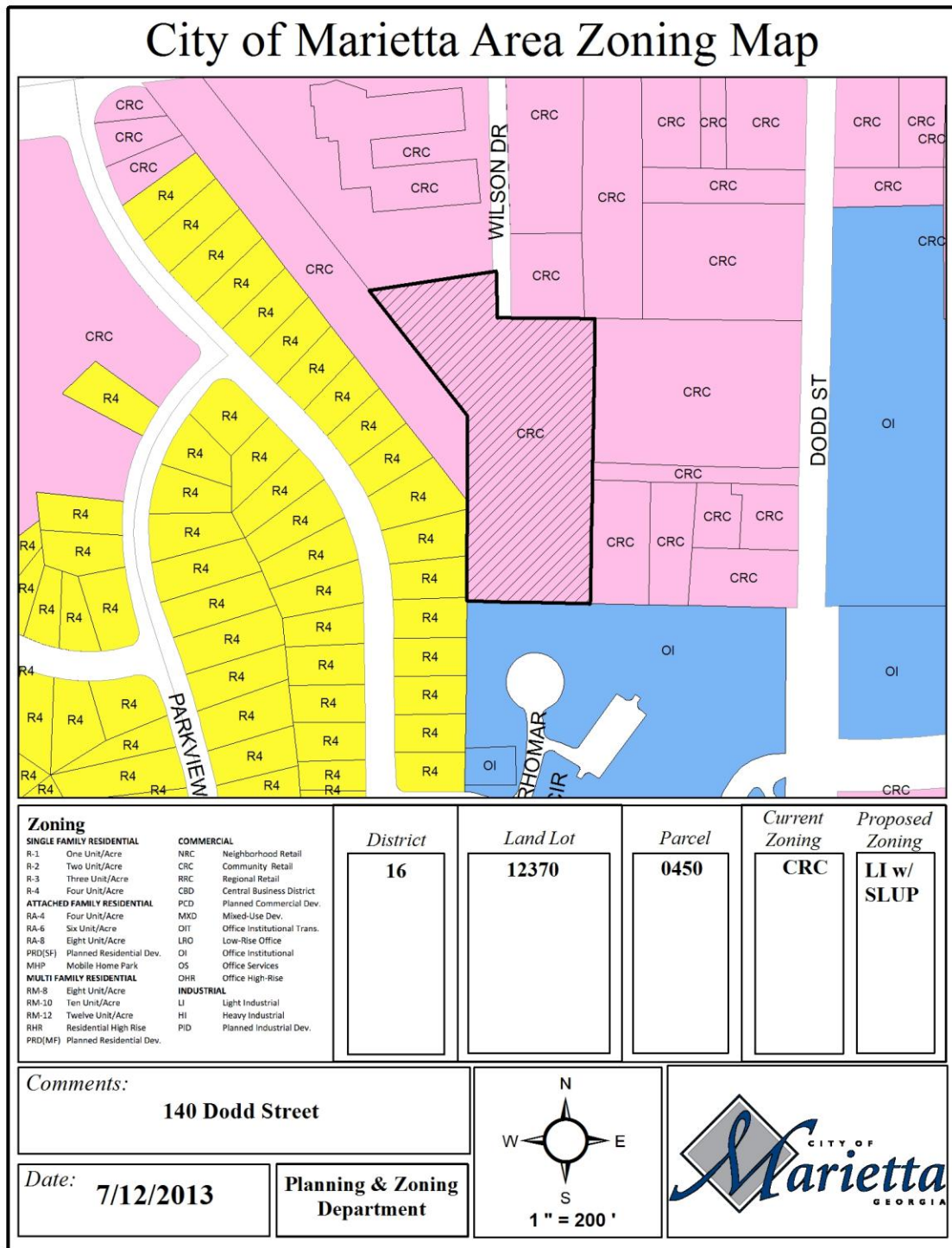
RECOMMENDATION: CAC (Community Activity Center)

REASON FOR REQUEST: The applicant is requesting a Special Land Use Permit and rezoning of the property from CRC to LI in order for a wrecking/towing service to use a portion of the site for the storage of vehicles.

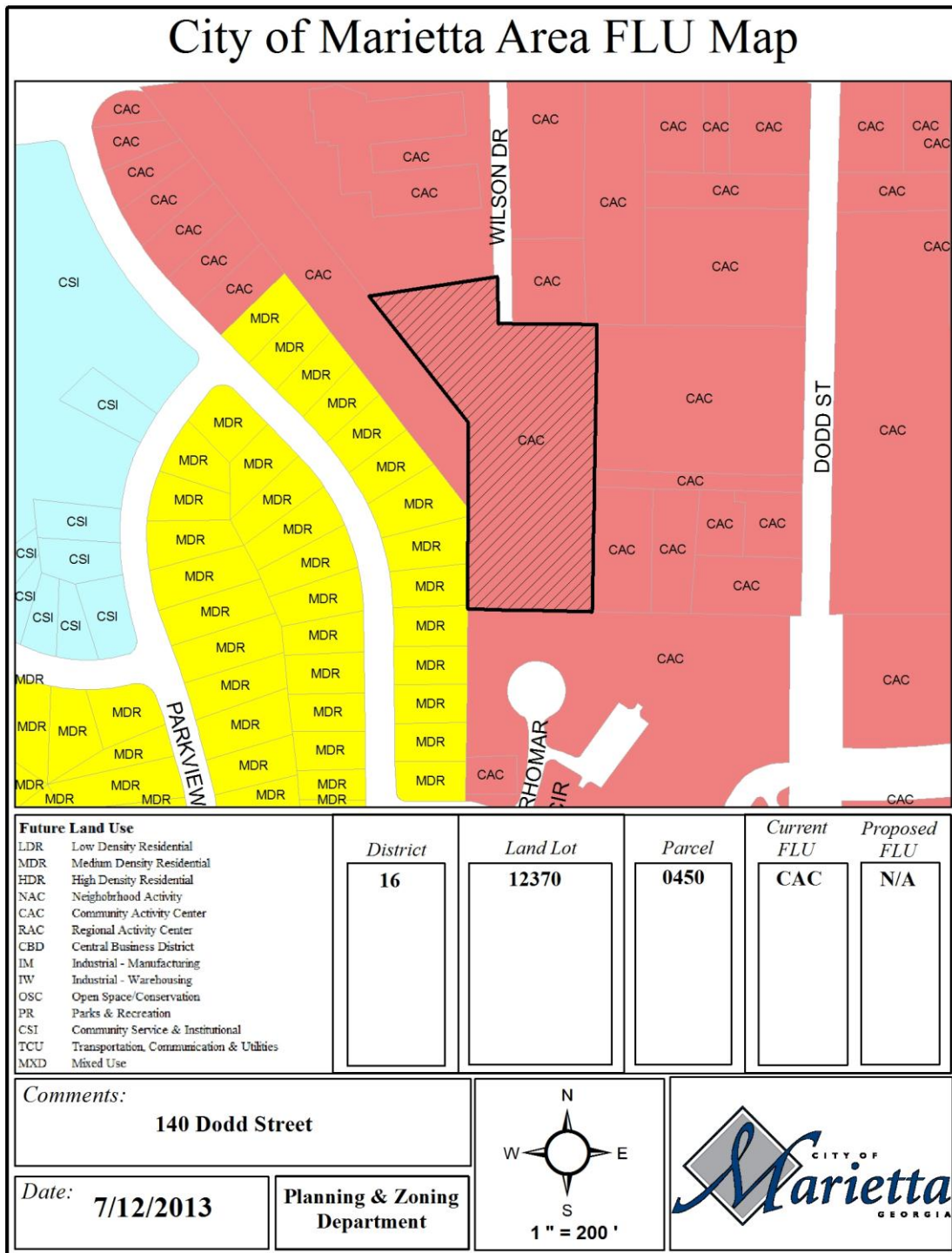
PLANNING COMMISSION HEARING: Tuesday, August 6, 2013 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, August 14, 2013 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



1.4 acre subject area in northeastern corner



Gate into subject area



Northwestern portion of property



Southern portion of property



Terminus of Wilson Drive (looking north)



Terminus of private drive at eastern property line

STAFF ANALYSIS

Location Compatibility

The applicant, Keith Crystal, is requesting a Special Land Use Permit (SLUP) and rezoning of 140 Dodd Street so the site may be used to store vehicles for a towing/wrecker service. The property is mostly vacant and zoned CRC (Community Retail Commercial). Adjacent parcels to the east are also zoned CRC and contain a self-storage facility and car repair shop. Huntington Lane Apartments, zoned OI (Office Institutional), are located to the immediate south. To the west are single family residences, zoned R-4 (Single Family Residential – 4 units / acre), and a power line easement owned by Roswell Street Baptist Church and zoned CRC. This property is located within the Commercial Corridor Design Overlay – Tier A because of its proximity to Roswell Street.

The subject property, 140 Dodd Street, is nearly three (3) acres in size and appears to be split into three distinct areas – the northeastern corner, northwestern corner, and southern portion. These three areas are all individually fenced off and bisected by a worn, asphalt driveway that ends at the eastern property line. Numerous vehicles were parked in the northwestern corner of the site. It is unclear what the southern portion of the site is being used for; there is a handful of storage buildings/sheds located near the eastern property line, south of the driveway. The applicant wishes to use the northeastern corner to store towed vehicles.

Use Potential and Impacts

The applicant is proposing to use the northeastern corner, approximately 1.4 acres in size, of the subject property for the storage of vehicles by a towing/wrecker service. The applicant has not provided whether the vehicles being stored will be confiscated (operable) or wrecked vehicles.

The following are the minimum considerations given when determining whether a Special Land Use Permit for a particular use is appropriate:

1. Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.
2. Whether or not the use is compatible with the neighborhood.
3. Whether or not the proposed use will constitute a nuisance as defined by state law.
4. Whether or not property values of surrounding property will be adversely affected.
5. Whether or not adequate provisions are made for parking and traffic considerations.
6. Whether or not the site or intensity of the use is appropriate.
7. Whether or not adequate provisions are made regarding hours of operation.
8. The location or proximity of other similar uses (whether conforming or nonconforming).
9. Whether or not adequate controls and limits are placed upon commercial deliveries.

10. Whether or not adequate landscaping plans are incorporated to ensure appropriate transition.
11. Whether or not the public health, safety and welfare of the surrounding neighborhoods will be adversely affected.

The area of the site that is being proposed for storage abuts properties that are currently being used for automobile services and storage, so this request should not negatively impact the surrounding area as long as the vehicular storage is isolated to the northeastern corner. However, the subject parcel is adjacent to single family residential uses to the west and multi-family uses to the south. Rezoning the entire property to LI will increase the number and intensity of allowable uses on the site. Keeping the existing CRC zoning, with an added use for the wrecker/towing service in the 1.4 acres in the northeastern corner, will help limit the potential impact on the neighboring residences.

It is worth noting that the City has been investing heavily in the streetscape improvements occurring along Roswell Street in an attempt to improve the quality of corridor.

The designated future land use for this property, as specified by the Comprehensive Plan, is Community Activity Commercial (CAC), which is an area that is intended to meet the retail, office, and commercial service needs of the surrounding community. The LI zoning district is not compatible with the CAC future land use.

Environmental Impacts

There is no indication of any endangered species, streams, flood plain, wetlands, or significant slopes on the property.

Economic Functionality

Aerial images show this property has a long history of being used for vehicle storage. The lack of access and road frontage, rather than being improperly zoned, has likely caused the underutilization of this property. The site is optimally located for commercial use due to its proximity to the intersection of Roswell Street and Cobb Parkway (US41). However, the majority of uses allowed in CRC are aimed at providing personal services and retail goods, which typically thrive on road frontage along busy roads. An assemblage of this property with adjacent parcels would give the subject property better visibility and accessibility so it may be developed as a commercial activity center.

Infrastructure

The existing surface of the subject area appears to be grass or sparsely-covered gravel. According to Section 716.08 (A) and (B) of the Zoning Ordinance, gravel or grass are not approved surfaces and would need a variance in order to store vehicles on the unimproved surface. Grass and gravel surfaces are more pervious than those allowed by the code (brick, asphalt, concrete) and would result in less runoff discharged into the sewer systems. This is beneficial if the stored cars are intact. However, water runoff coming from vehicles that are damaged and seeping fluid should be captured and treated to reduce water contamination. Should City Council wish to allow the storage of vehicles on an unimproved surface, the following variance would be necessary:

- Variance to allow gravel or grass as an acceptable surface treatment for vehicle storage. [§716.08 (A.) and (B.)]

Vehicular access to the site is limited. Wilson Drive, which accesses the property off of Roswell Street, does not meet city street standards. Many of the businesses adjacent to the road also treat it as a private driveway by parking vehicles on the shoulder. The Public Works Department states that “*Additional R.O.W. on the property at the Southern terminus of Wilson Drive is required. Wilson Drive R.O.W. will have to be improved to at least 12.5’ from centerline (25’ total R.O.W.). The existing paved area would need to be improved to a minimum of 20’ travelway.*”

Otherwise, this proposal should not adversely affect the education, water, sewer, electricity, or other public infrastructure in the area.

History of Property

There is no history of any rezonings, special land use permits, or variances associated with this property.

Other Issues

Approximately half of the subject property lies within the Commercial Corridor Design Overlay District – Tier A, which extends 750 feet to either side of Roswell Street. The applicant is not proposing any construction. Since this development is not directly located along the principal thoroughfare of the Overlay and is not directly visible from Roswell Street, the Director of Development Services is extended the administrative authority to waive design regulations.

ANALYSIS & CONCLUSION

The applicant, Keith Crystal, is requesting a Special Land Use Permit (SLUP) and rezoning of 140 Dodd Street so the site may be used to store vehicles picked up by a towing/wrecker service. The property is nearly three (3) acres in size and appears to be split into three distinct areas – the northeastern corner, northwestern corner, and southern portion. These three areas are all individually fenced off and bisected by a worn, asphalt driveway that ends at the eastern property line.

The applicant wishes to use the northeastern corner, which abuts properties that are currently being used for automobile services and storage, to store towed vehicles so this request should not negatively impact the surrounding area as long as the vehicular storage is isolated to the northeastern corner. Rezoning the entire property to LI will increase both the number and the intensity of potential uses on the site, which is adjacent to single family residential uses to the west and multi-family uses to the south. By keeping the existing CRC zoning, with an additional use for the wrecker/towing service in the northeastern corner, the potential impact on the neighboring residences may be limited.

According to the City's Public Works Department, the existing right-of-way for Wilson Drive, which provides the only access to the site, is not adequate and must be upgraded in order for the subject property to be used. Further, unless the parking/storage area will be paved according to City standards, the following variance will be necessary:

- Variance to allow gravel or grass as an acceptable surface treatment for vehicle storage. [§716.08 (A.) and (B.)]

The designated future land use for this property, as specified by the Comprehensive Plan, is Community Activity Commercial (CAC), which is an area that is intended to meet the retail, office, and commercial service needs of the surrounding community. The LI zoning district is not compatible with the CAC future land use.

Prepared by: _____

Approved by: _____



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	n/a
Size of the water line?	6-inch
Capacity of the water line?	Flow test required
Approximate water usage by proposed use?	Not provided

CITY OF MARIETTA - SEWER

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	n/a
Size of the sewer line?	8-inch
Capacity of the sewer line?	Available
Estimated waste generated by proposed development?	A.D.F Peak Not provided
Treatment Plant Name?	Cobb County
Treatment Plant Capacity?	Cobb County
Future Plant Availability?	Cobb County

DATA APPENDIX CONTINUED

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?	No
What percentage of the property is in a floodplain?	0%
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	---
Do stream bank buffers exist on the parcel?	No
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	None known
Potential presence of endangered species in the area?	No

Transportation

What is the road affected by the proposed change?	Wilson Drive & Roswell Street
What is the classification of the road?	Wilson Drive: Local Roswell Street: Arterial
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development?	INSUFFICIENT DATA PROVIDED
Estimated number of trips generated by the proposed development?	INSUFFICIENT DATA PROVIDED
Do sidewalks exist in the area?	Yes, Roswell Street; No, Wilson Drive
Transportation improvements in the area?	Nearby, but not adjacent
If yes, what are they?	Roswell Street Capacity Improvements & Streetscapes

- Site plans will be required for construction (see Site Plan Package checklists). Site plans must include parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain. Wall plans must approved by Chief Building Inspector.
- No proposed improvements are shown on the plan.
- Additional R.O.W. on the property at the Southern terminus of Wilson Drive is required. Wilson Drive R.O.W. will have to be improved to at least 12.5' from centerline (25' total R.O.W.). The existing paved area would need to be improved to a minimum of 20' travelway.
- Division 726.03 of City Code states: "All development involving 2 or more parcels of land or principal buildings shall be done in compliance with Marietta Subdivision Regulations." Also City Code Division 716.02.A., 716.03.A., 730.01, 730.03.D., 732.02
- Motion Signature File Number 20121159 is referenced, dated December 12, 2012.



EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Station 52
Distance of the nearest station?	318 feet
Most likely station for 1 st response?	Marietta Station 52
Service burdens at the nearest city fire station (under, at, or above capacity)?	None

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes X No

If not, can this site be served? Yes No

What special conditions would be involved in serving this site?

Additional comments: